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 Rossignol Ski Company, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)**

RICHARD W. BERGER and
 BRANT W. BERGER,

 Plaintiffs,

 v.

 ROSSIGNOL SKI COMPANY, INC.,

 Defendant.

Case No. 3:05-CV-02523-CRB

[PROPOSED] ORDER

District Judge Charles R. Breyer

ROSSIGNOL SKI COMPANY, INC.,

 Counterclaim Plaintiff,

 v.

 RICHARD W. BERGER and
 BRANT W. BERGER,

 Counterclaim Defendants.

1 Upon consideration of Defendant/Counterclaim Plaintiff Rossignol Ski Company, Inc.'s
2 Request For Clarification That The Court's July 16 Dismissal of Counterclaims As Moot Is

3 "Without Prejudice", it is hereby ORDERED that:

- 4 1. Defendant Rossignol's request is granted; and
- 5 2. The July 16 dismissal of Rossignol's counterclaims as moot is "without prejudice."

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7
8 July 25, 2006
Date

